

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EDWARD R. McTAGGART,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-633-M
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER

On May 5, 2008, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of Social Security Administration. The Magistrate Judge recommended that the Commissioner's decision be affirmed. Plaintiff was advised of his right to object to the Report and Recommendation, and on May 27, 2008, plaintiff filed his objections. In addition, plaintiff filed his supplemental brief on May 29, 2008.

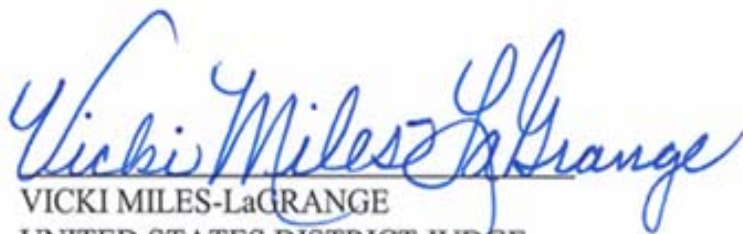
In his objections, plaintiff challenges the Magistrate Judge's findings and asserts that the Administrative Law Judge ("ALJ") applied an incorrect legal standard was applied in evaluating the medical evidence and improperly excluded medical evidence generated more than three years before the period at issue. Having carefully reviewed this matter de novo, the Court finds underlying decision of the Commissioner of Social Security Administration is well-supported by substantial evidence. The Court, therefore, finds that the Magistrate Judge appropriately affirmed the Commissioner's decision.¹

¹While the Court agrees that the Magistrate Judge reached the correct disposition of this matter, the Court departs from the Magistrate Judge's rationale concerning the exclusion of medical

Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on May 5, 2008, and
- (2) AFFIRMS the decision of the Commissioner.

IT IS SO ORDERED this 30th day of June, 2008.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE

evidence rendered before the relevant period pursuant to *Hamlin v. Barnhart*, 365 F.3d 1208, 1215 (10th Cir. 2004). The Court, therefore, adopts the Report and Recommendation to the extent stated herein in that the correct legal standard was applied.